

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ST SHIPPING AND TRANSPORT, INC.,

Plaintiff,

- against -

GOLDEN FLEECE MARITIME INC.,

Defendant.

BLANCA SHIPMANAGEMENT COMPANY,

Third-Party Claimant.

ECF CASE

07 Civ. 11147 (SAS)

**CONFIDENTIALITY
STIPULATION AND
PROTECTIVE ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties to this action, through their undersigned counsel, that:

1. Documents, information, and things produced by a party during the course of this litigation (including, but not limited to, responses to discovery requests) and containing confidential business information, trade secret information, or other proprietary information, may in good faith be designated by such party as "Confidential." The producing party shall stamp, label, or otherwise designate as "Confidential" the first page of any such document, or the surface of any such thing, to benefit from protection under this Stipulation and Order. The producing party may also advise the receiving party in writing and with particularity as to any information designated as "Confidential."

2. All documents, information, and things designated as "Confidential" will be used solely for the purposes of this litigation and for no other purpose. Counsel in this action shall not

disclose any document, information, or thing designated as "Confidential" except to the following persons:

- a. Counsel for the parties to this litigation, including London counsel, and such counsel's employees;
- b. Officers and employees of the receiving party who counsel reasonably and in good faith believes need to know in order for the receiving party to prepare for this action;
- c. Court reporters and stenographers engaged to transcribe depositions or proceedings in this action;
- d. The Court and its employees;
- e. Experts or consultants retained by the receiving party for assistance in this action, provided that such experts and consultants have executed an undertaking to be bound by the provisions of this Stipulation and Order;
- f. Any non-party witness or any person reasonably anticipated to be a witness at any proceeding in this action, provided such person has executed an undertaking to be bound by the provisions of this Stipulation and Order; and
- g. Any other person, with the prior written approval of the producing party, provided such person has executed an undertaking to be bound by the provisions of this Stipulation and Order.

3. Prior to disclosing any document, information, or thing designated as "Confidential" to any person(s) enumerated in paragraph 2 above, the undersigned counsel of record must first inform such person(s) that the document, information, or thing to be disclosed contains confidential information, that such information must be held in confidence, that the

information is to be used solely for the purposes of this litigation, and that these restrictions are imposed by court order. The undersigned counsel of record making such disclosure shall keep a record of each person to whom confidential information is disclosed and the information given to that person.

4. If the parties are unable to resolve any dispute as to whether any document, information, or thing should be designated as "Confidential" and subject to the provisions of this Stipulation and Order, and only after a good-faith attempt to resolve any such dispute, counsel for the receiving party may apply to the Court, by letter or motion, for an order changing the designation. No use or disclosure of any document, information, or thing designated as "Confidential" shall be made, except as otherwise authorized by this Stipulation and Order, unless and until the parties agree, or the Court orders, that the designation be changed.

5. All documents filed with the Court by any party to this action that are agreed by the parties, or ordered by the Court, to contain confidential information (including, without limitation, pleadings, deposition transcripts, exhibits, discovery responses, or memoranda purporting to reproduce or paraphrase such information) shall be filed in sealed envelopes or other appropriately sealed containers that shall be endorsed with the title of this action, an indication of the nature of the contents of the sealed envelopes or other containers, and a statement in substantially the following form:

CONFIDENTIAL INFORMATION

This envelope is sealed pursuant to the July —, 2008, Confidentiality Stipulation and Protective Order in this action. It contains information designated as "Confidential" and is not to be opened, nor the contents displayed or revealed, except by Order of this Court.

6. At the conclusion of this litigation, all documents and things, and all copies, summaries and reports containing information that has been designated "Confidential," shall be returned to counsel for the producing party.

7. Nothing in this Stipulation and Order constitutes a waiver or admission as to the admissibility or lack of admissibility of any matter in this action.

8. This Stipulation and Order shall not preclude any party from withholding any document, information, or thing on the basis of the attorney-client privilege, attorney work-product doctrine, or otherwise affect any party's claim of privilege with respect to any such document, information, or thing. The inadvertent production of any privileged document, information, or thing shall not be deemed a waiver of such privilege or otherwise affect any party's right to seek return of the inadvertently produced document, information, or thing.

9. This Stipulation and Order shall not preclude the party producing any document, information, or thing that it designates "Confidential" from using such document, information, or thing in this action or any other proceeding at its sole discretion.

Dated: July 11, 2008

WAESCHE, SHEINBAUM & O'REGAN, P.C.
Counsel for the Plaintiff

By: 

John R. Foster

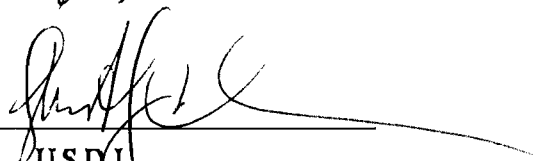
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Claimant

By: 
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SO ORDERED:
July 16, 2008


U.S.D.J.